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SERVICE DATE - JUNE 30, 2003

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-439 (Sub-No. 1X)]

Dallas Area Rapid Transit–Abandonment Exemption–in Dallas County, TX

[STB Docket No. AB-103 (Sub-No. 16X)]

The Kansas City Southern Railway Company–Discontinuance of Trackage Rights

Exemption–in Dallas County, TX

[STB Docket No. AB-585X]

Dallas, Garland and Northeastern Railroad Company–Discontinuance of Trackage Rights

Exemption–in Dallas County, TX

Dallas Area Rapid Transit (DART), The Kansas City Southern Railway Company (KCS), and Dallas, Garland and Northeastern Railroad Company (DGNO), have jointly filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments and Discontinuances of Service and Trackage Rights for DART to abandon and KCS and DGNO to discontinue trackage rights over approximately 11.45 miles of railroad between approximately milepost 45.5 at Westmoreland Road and approximately milepost 56.95 at

Tenison, in Dallas, Dallas County, TX.¹ The line traverses United States Postal Service Zip Codes 75211, 75212, 75233, 75237, and 75223.

Applicants have certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line R. Co.–Abandonment–Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression

¹ In 1995, DART acquired the subject line from The Atchison, Topeka and Santa Fe Railway Company. See Dallas Area Rapid Transit–Acquisition and Operation Exemption–Certain Lines of The Atchison, Topeka and Santa Fe Railway Company, Finance Docket No. 32611 (ICC served Mar. 17, 1995). According to DART, prior to the acquisition, the Missouri Pacific Railroad Company (MP) and KCS acquired trackage rights over the subject line. MP's trackage rights were assigned to DGNO in 1992. See Dallas, Garland & Northeastern Railroad, Inc.–Trackage Rights Exemption–The Atchison, Topeka and Santa Fe Railway Company and Missouri Pacific Railroad Company, Finance Docket No. 32198 (ICC served Dec. 15, 1992).

of intent to file an offer of financial assistance (OFA) has been received, these exemptions will be effective on July 30, 2003, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29 must be filed by July 10, 2003. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 21, 2003, with: Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to applicants' representatives: Edward J. Fishman, 1800 Massachusetts Avenue, 2nd Floor, Washington, DC 20036; Thomas J. Healey, 427 West 12th Street, Kansas City, MO 64105; and Gary Laakso, 5300 Broken Sound Blvd., N.W., 2nd Floor, Boca Raton, FL 33487.

If the verified notice contains false or misleading information, the exemption is void ab initio.

Applicants have filed an environmental report which addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. SEA will issue an

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ Each OFA must be accompanied by the filing fee, which currently is set at \$1,100. See 49 CFR 1002.2(f)(25).

environmental assessment (EA) by July 3, 2003. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 565-1552. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), DART shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by DART's filing of a notice of consummation by June 30, 2004, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at
“WWW.STB.DOT.GOV.”

Decided: June 23, 2003.

STB Docket No. AB-439 (Sub-No. 1X) et al.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams

Secretary